

## ATTORNEY'S DOCKET NUMBER: 0492611-0326 (MIT 8151)

## 77 l 1/C 2240

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Langer et al.

Examiner:

Nguyen, D.

Serial No.:

09/553,552

Art Unit:

1643

Filed: For: April 20, 2000

ENDOSOMOLYTIC AGENTS AND CELL DELIVERY SYSTEMS

RECEIVED

Assistant Commissioner for Patents Washington, DC 20231

JUL 2 3 2001

Sir:

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#### RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Responsive to the Restriction Requirement mailed June 19, 2001 (Paper Number 6), Applicant respectfully elects the species, ortho-ester, for prosecution on the merits. Given the election of ortho-ester, Applicant further elects the species, N-[2-methyl-1,3-O-ethoxyethylidinepropanediol]methacrylamide (claim 14). Applicant also elects linear co-polymer (claims

15 and 20), antibodies (claim 16), and anti-sense agents (claim 35). With respect to claim 45, Applicant has *excluded* the species chloroquine, polyethyleneimine, fusogenic peptides, inactivated adenoviruses, and combinations thereof, and therefore, Applicant respectfully submits that since these species are excluded, it is impossible for Applicant to elect one for examination purposes.

Applicant thanks the Examiner for careful consideration of this case. Please charge any fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.

Registration Number: 46,533

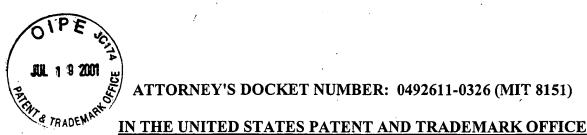
Choate, Hall & Stewart Exchange Place 53 State Street Boston, MA 02109 Tel: (617) 248-5000

Date: July 17, 2001

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on Ouly 17, 2001



Sir:

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# RECFIVE

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Assistant Commissioner for patents

Washington, DC 20231

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## **TRANSMITTAL**

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Response to Restriction/Election Requirement
- 2) Return Postcard

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D. Registration Number 46,533

Choate, Hall & Stewart Exchange Place 53 State Street Boston, MA 02109 (617) 248-5000 Dated: July 17, 2001

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